

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
V.	§	CR. No. C-02-289 (1)
	§	C.A. No. C-04-51
LAURENCIO MARTINEZ-RAMIREZ.	§	

**ORDER CERTIFYING THAT APPEAL IS NOT IN GOOD FAITH
AND ORDER DENYING *IN FORMA PAUPERIS* STATUS ON APPEAL**

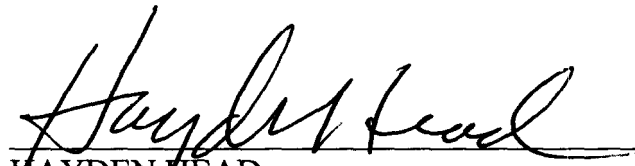
Pending before the Court is Defendant Laurencio Martinez-Ramirez's ("Martinez") motion for leave to proceed on appeal *in forma pauperis* from this Court's denial of his "motion for relief from judgment." (D.E. 81.) In his motion for relief from judgment pursuant to Rule 60(b)(6), Fed. R. Civ. P. (D.E. 78), he requested that this Court vacate its order and judgment denying his § 2255 motion. (D.E. 62.) The Court denied his motion, concluding that Martinez had failed to state grounds entitling him to relief under Rule 60. (See D.E. 79.) The Court further noted that the arguments that Martinez raised in his motion for relief from judgment were ones that this Court addressed at length in its order denying his § 2255 motion, and ones that the Fifth Circuit had also addressed on appeal from the denial of his § 2255. (D.E. 79 at 2-3.)

Because the appeal Martinez is currently pursuing raises the same issues rejected twice by this Court and already considered and rejected by the Fifth Circuit, the Court concludes that his appeal is not taken in good faith. See Fed. R. App. P. 24(a). The Court thus certifies, pursuant to Fed. R. App. P. 24(a)(3), that Martinez's appeal is not taken in

good faith. Accordingly, Martinez shall not be permitted to proceed on appeal *in forma pauperis* and his motion to proceed *in forma pauperis* (D.E. 81) is DENIED.

Martinez is advised that he may nonetheless file a motion in the Court of Appeals to proceed on appeal *in forma pauperis* within 30 days after service of this Order. See Fed. R. App. P. 24(a)(5).

ORDERED this 11 day of June, 2007.


HAYDEN HEAD
CHIEF JUDGE